

Application No. 10/030,350  
Responsive to Restriction Requirement of September 16, 2003  
Amendment and Response filed March 16, 2004

### REMARKS/ARGUMENTS

Claims 1-20, 22-24, 27, 32-36, 41, 43-44, and 46-47 are pending in the instant application. Applicants request entry of new claims 53-58 and cancellation of claims 1-20 without waiver or prejudice. Applicants further request amendment of claims 22-24, 27, 32, 35-36, 43, and 46-47 according to the Listing of Claims above. Although claims to unelected invention(s) may be deemed withdrawn, Applicants respectfully request that cancellation of any such claims be held in abeyance until allowable subject matter has been determined. While Applicants have elected a species, upon a determination of the patentability of that species, corresponding generic claims may be rejoined. Applicants wish to preserve the right to rejoinder of the withdrawn claims with the elected claims. *See, M.P.E.P. § 821.04 ("Treatment of Claims Held To Be Drawn to Nonelected Inventions. Rejoinder.").*

Support for the amendments to the claims presented in the Listing of Claims above may be found in the application as filed. New claims find support in at least claims 25-26 and 28-31 as filed. Amendment of the claims herein should in no way be construed as acquiescence to any of the rejections / objections set forth in the instant Office Action, or in any previous Office Action. Any such amendments are intended solely to expedite prosecution. Applicants reserve the option to prosecute the same or similar claims as those originally filed in the instant application or one or more or subsequent applications. No new matter has been added.

#### *Restriction Requirement*

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121, as set forth in the Office Action mailed September 16, 2003:

- I. Claims 1-16, "drawn to a method of inhibiting IAPP in a subject."
- II. Claims 17-20, "drawn to a method inhibiting amyloid deposits in a subject."
- III. Claims 22-24 and 27, "drawn to a process for preparing cells suitable for transplantation into a mammal."
- IV. Claims 32-34, "drawn to a culture medium or a culture pre-mix."
- V. Claims 35 and 36, "drawn to *ex vivo* cells."
- VI. Claims 41, "drawn to a composition comprising *ex vivo* cells."

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- VII. Claim 43, "drawn to a vessel for containing a culture of cells."
- VIII. Claim 44, "drawn to a kit for culturing cells comprising a culture medium or a culture pre-mix."
- IX. Claims 46 and 47, "drawn to a method of identifying an inhibitor that can be used to prepare cells for transplantation."

Accordingly, Applicants hereby elect without traverse Group III, claims 22-24 and 27, "drawn to a process for preparing cells suitable for transplantation into a mammal," for continued examination. New claims 53-58 also fall within Group III as it is described in the instant Office Action, and therefore Applicants respectfully request that they be examined. That is, Applicants assert that Group III includes claims 22-24, 27, and 53-58.

The Examiner has further required election of a single species to serve as a basis for an initial search during examination on the merits. Applicants hereby elect the species 3-dimethylamino-1-propanesulfonic acid, which is recited by name in claim 27. Applicants understand that upon a finding that this species is allowable, the Examiner will expand the scope of her search to the entire scope of the generic claims.

Applicants believe that no fee is due with this Response other than a fee for an extension of time, payment of which is authorized in the enclosed Request for a extension of time. Applicants hereby request any extension of time that may be required to enter this Response. If any fee is due in this case, then please charge our Deposit Account No. 12 0080, under Order No. NBI-108US, from which the undersigned is authorized to draw.

Dated:

March 16, 2004

Respectfully submitted,

By

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